



ATTORNEY DOCKET NO. 23101.0003U1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )  
CANTRELL, *et al.* ) Art Unit: 1632  
Application No. 09/784,575 ) Examiner: Wilson, Michael C.  
Filing Date: February 15, 2001 ) Confirmation No. 1832  
For: "IN OVO ACTIVATION OF AN EGG )  
IN THE SHELL" )

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Dear Sir:

Applicant hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 13, 2005, finally rejecting claims 59-65.

The item(s) checked below are appropriate:

1. ☒ A three month extension of time to respond to the final rejection:  
(a) ☐ was obtained for \_\_\_ month(s).  
(b) ☒ is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$760.00 for the following fees is to be charged to credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

11/17/2005 NNGUYEN1 00000055-09784575

02 FC:2253

510.00 OP

11/17/2005 NNGUYEN1 00000055-09784575 250.00 OP  
01 FC:2401

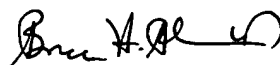
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APPLICATION NO. 09/784,575

- ☒ Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$250.00/SE.  
☒ Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(3) = \$510.00 – three month extension of time fee.  
3. ☐ Enclosed is a Pre-Appeal Brief Request for Review and \_\_\_\_ sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

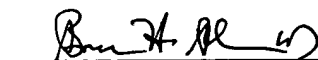


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
Bruce H. Becker, M.D., J.D.

11/14/05  
Date